IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

District :

Misc. Civil Application No. 772 of 2005

Office Notes, Office Memoranda of Coram, appearances, Court orders or directions and Registrar's orders	Court's or Judge's orders

CORAM: C. L. PANGARKAR J.
Dated: 09th January, 2007.

This is an application for transfer of Hindu Marriage Petition No. 46/05 on the file of Civil Judge, Senior Division, Khamgaon. The said petition has been filed by Shailesh-respondent husband against Usha the applicant herein. The applicant is living at Nagpur. She has already filed a maintenance petition No. E-207/05 in the Family Court

at Nagpur. Besides the maintenance petition she has also filed petition for divorce under Section A-440/06 before the Family Court at Nagpur. Learned counsel for the petitioner submits that the petition that has been filed by the respondent is only with a view to harass the applicant. She has no source of income and it would be extremely difficult for her to go to Khamgaon and contest the petition, inasmuch as she has no relative there. It was also contended that she has no source of income to meet the expenses for going all the way from Nagpur to Khamgaon. He submitted that convenience of the applicant-wife has to be looked into and that has been so observed by the Apex Court in plethora of cases. Learned counsel for the

applicant relied on a case reported in ***Sumita Singh ..Vs. Kumar Sanjay And Another (2001)10 Supreme Court Cases 41,*** wherein Their Lordships of the Apex Court found that convenience of the wife has to be looked into. Here the wife has already filed petition for divorce as well as maintenance at Family Court Nagpur and it would be desirable that all petitions are disposed of by the same Judge, list there could be different finding of the different Courts. The convenience of the applicant could be looked into in contesting the matter. Looking to the fact that the distance between Khamgaon and Nagpur is too much and it would be extremely difficult to go to Khamgaon and contest the petition, it would be in the interest of

justice to allow the petition. Petition is allowed. Hindu Marriage Petition No. 46/05 pending on the file of Civil Judge, Senior Division, Khamgaon stands transferred to the Family Court at Nagpur.

JUDGE

svk